

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

In the matter of:

Philadelphia Energy Solutions
Refining & Marketing, LLC
1735 Market Street, Floor 10
Philadelphia, PA 19103

RESPONDENT,

Philadelphia Energy Solutions
Refining & Marketing, LLC
3144 West Passyunk Avenue
Philadelphia, PA 19145

FACILITY.

Docket No. RCRA-03-2017-0075

Proceeding Under Section
3008(a) and (g) of the
Resource Conservation and
Recovery Act, as amended,
42 U.S.C. § 6928(a) and (g)

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

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CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and Philadelphia Energy Solutions Refining & Marketing, LLC ("Respondent"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and the accompanying Final Order, collectively referred to herein as the "CAFO," simultaneously commences and concludes this administrative proceeding against Respondent.
3. The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the "Pennsylvania Hazardous Waste Management Program") *in lieu* of the federal hazardous waste management program

established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PaHWR") were authorized by the U.S. Environmental Protection Agency ("EPA" or "Agency") pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWR subsequently were revised, and thereafter re-authorized by EPA, on September 26, 2000, January 20, 2004, and April 29, 2009. Such authorized revised PaHWR requirements and provisions became effective on November 27, 2000, March 22, 2004, and June 29, 2009 respectively. The PaHWR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the June 29, 2009 PaHWR authorization. The provisions of Pennsylvania's current authorized revised PaHWR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a).

4. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to initiate an enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle C, EPA's regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.
5. This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g, and the authorized Pennsylvania Hazardous Waste Regulations, set forth at 25 Pa. Code §§ 260a-270a, *et seq.*, which incorporate by reference the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, in connection with Respondent's facility. Respondent's facility is located at 3144 West Passyunk Avenue, Pennsylvania, 19145, and is further described below. Factual allegations or legal conclusions in this Consent Agreement that are based on provisions of federally-authorized PaHWR requirements cite those respective provisions as the authority for such allegations or conclusions.
6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated May 19, 2016, EPA notified the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), of EPA's intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in Paragraph 7, above.

9. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of the CAFO.
10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
12. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:
14. EPA has jurisdiction over this matter pursuant to RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g).
15. Respondent is a Delaware corporation.
16. Respondent is, and was at the time of the violations alleged herein, a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10 and 25 Pa. Code § 260a.10.
17. Respondent is, and was, at all times relevant to the allegations set forth in this CAFO, the "owner" and "operator" of a "facility" located at 3144 West Passyunk Avenue, Pennsylvania, 19145 (hereinafter, "the Facility"), as these terms are defined in 40 C.F.R. § 260.10, and incorporated by reference in 25 Pa. Code § 260a.1, and as defined in 25 Pa. Code § 260a.10.
18. Respondent's Facility is an oil refinery which processes crude oil.
19. As described below, Respondent was, at all times relevant to this CAFO, a large quantity "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
20. At all times relevant to this CAFO, and as described below, Respondent was engaged in the "storage" of "solid waste" and "hazardous waste" in "container[s]" and "tanks" at the Facility, as the term "storage" is defined in 25 Pa. Code § 260a.10, and as the remaining terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.
21. Respondent's Facility, at all times relevant to the allegations set forth in this CAFO, a

hazardous waste storage "facility" as that term is defined in 40 C.F.R. § 260.10 and 25 Pa. Code § 260a.10.

22. On April 28, 2015, PADEP issued a Class 1 Permit Modification (Transfer of Ownership) to reflect the transfer of the RCRA Part B Permit No. PAD049791098 for Hazardous Waste Storage, Treatment and Disposal from Sunoco, Inc. (R&M) to the Respondent (hereinafter "Permit"). The Permit allowed Respondent to operate a hazardous waste management facility and consolidated the management and/or storage of hazardous wastes at the Girard Point Processing Area, Point Breeze Processing Area and Schuylkill River Tank Farm.
23. Representatives of EPA conducted a Compliance Evaluation Inspection ("Inspection") at the Facility on September 15-17, 2015 to examine Respondent's compliance with the federally-authorized PaHWR requirements.
24. On August 24, 2016, EPA sent a Request to Show Cause ("Show Cause letter") to Respondent advising it of EPA's preliminary allegations of PaHWR violations and permit violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions as to the Respondent's PaHWR and Permit compliance at the Facility. Respondent provided additional information to EPA in response to the Show Cause letter.
25. On the basis of the Inspection and a review of the information provided to EPA by Respondent in response to EPA's Show Cause letter, and other correspondence, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and federally authorized PaHWR requirements promulgated thereunder at the Facility and the Permit issued to Respondent.

COUNT I

(Permit Condition Part III.D. Girard Point Hazardous Waste Storage Pad)

26. The preceding paragraphs are incorporated herein by reference.
27. Under the terms of the Permit, Respondent may store the following hazardous wastes in containers at the facility: Hazardous Waste Codes: D001, D002, D004, D007, D008, D018, F037, F038, K048, K049, K050, K051, K052, K169, K170, K171 and K172.
28. The Permit further provides that Respondent may store hazardous waste containers, including drums, flo-bins and roll-offs, in accordance with certain volume, content and location requirements shown on Drawing GP-1 dated April 10, 2013 and Drawing D-1 dated April 16, 2010 of the Permit.
29. The Permit provides that the maximum number of Flo-bins allowed to be stored in the Area 2: Flor-Bin Storage Areas is fourteen (14).
30. At the time of the Inspection, inspectors observed ninety-three (93) Flo-Bins, containing spent hydro-treating catalyst (EPA Hazardous Waste Codes K171 and K172) which were

being stored in the Area 2: Flo-Bin storage area.

31. Records presented by Respondent indicated that the extra seventy-nine (79) flo-bins had been placed at the Area 2: Flo-Bin Storage Area on March 30, 2015 and that the last of the extra seventy-nine (79) bins were not shipped offsite until February 1, 2016.
32. From at least March 30, 2015 to February 1, 2016, Respondent violated Permit Condition Part III.D Girard Point Hazardous Waste Storage Pad by failing to store hazardous waste containers, including drums, flo-bins and roll-offs, in accordance with the specified volume, content and location requirements stated in the Permit.

COUNT II

(Failure to Properly Manage Universal Waste)

33. The preceding paragraphs are incorporated herein by reference.
34. Respondent is a "small quantity handler of universal waste" as that term is defined in 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9.
35. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), provides that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.
36. Pursuant to 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must label or mark each container used to store universal waste lamps with one of the following phrases: "Universal Waste - Lamp(s)," "Waste Lamps," or "Used Lamp(s)."
37. 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by employing a method specified in 40 C.F.R. § 273.15(c)(1) through (6), or any other method which clearly demonstrates the length of time that the universal waste has been accumulated.
38. At the time of the Inspection, a container storing universal waste "lamps," as that term is defined in 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9, at the Facility was not closed.
39. At the time of the Inspection, a container storing universal waste lamps at the Facility was not labeled or marked clearly with one of the phrases required by 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1.
40. At the time of the Inspection, Respondent failed to demonstrate the length of time that universal waste lamps and batteries had been accumulated from the date it became a waste or was received by employing any of the methods specified in 40 C.F.R. §

273.15(c)(1) through (6).

41. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to store universal waste lamps in a closed container at the Facility.
42. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.14(e), by failing to correctly label or mark a container of universal waste lamps.
43. At the time of the Inspection, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.15(c), by failing to demonstrate the length of time that universal waste lamps had been accumulated from the date it became a waste or was received by employing any of the methods specified in 40 C.F.R. § 273.15(c)(1) through (6).

IV. CIVIL PENALTIES

44. Respondent agrees to pay a civil penalty in the amount of **\$100,000.00** in full and final settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations and facts alleged and set forth in Section III ("EPA Findings of Fact and Conclusions of Law") of this Consent Agreement. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
45. The civil penalty settlement amount set forth in Paragraph 44, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g). Complainant has also considered the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, and the December 6, 2013 Memorandum by EPA Assistant Administrator, Cynthia Giles, entitled, *Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation*, (Effective December 6, 2013). The settlement in this proceeding is consistent with the provisions and objectives of Section 3008 of RCRA, and its implementing regulations.
46. Payment of the civil penalty set forth in Paragraph 44, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 47-50, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2017-0075
- b. All checks shall be made payable to **"United States Treasury;"**
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fine and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Customer service contact: 513-487-2091

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- h. On-Line Payment Option: WWW.PAY.GOV/paygov/

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

or by contacting Craig Steffen at 513-487-2091

- j. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

Joyce A. Howell
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

48. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
49. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
50. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
51. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

V. CERTIFICATIONS

52. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent is in compliance with all relevant provisions of the current, authorized revised PaHWR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this Consent Agreement.

VI. OTHER APPLICABLE LAWS

53. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. RESERVATION OF RIGHTS

54. This CAFO resolves only EPA's claims for civil penalties for the specific violations and facts which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO

following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

55. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this Consent Agreement.

IX. PARTIES BOUND

56. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

X. EFFECTIVE DATE

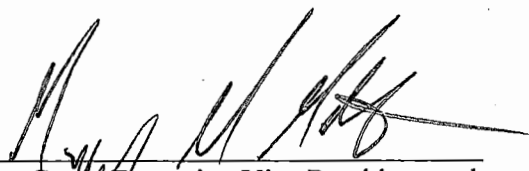
57. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. ENTIRE AGREEMENT

58. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent, Philadelphia Energy Solutions Refining & Marketing LLC:

Date: 12/6/14

By: 
Gregory Gatta, Executive Vice President and
Chief Operations Officer

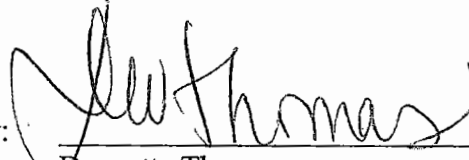
For the Complainant:

U.S. Environmental Protection Agency, Region III

Date:

12/7/16

By:



Donzetta Thomas

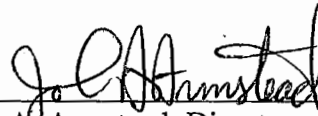
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact and Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date:

12.9.16

By:



John A. Armstead, Director

Land and Chemicals Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

In the matter of:

Philadelphia Energy Solutions
Refining & Marketing, LLC
1735 Market Street, Floor 10
Philadelphia, PA 19103

RESPONDENT,

Philadelphia Energy Solutions
Refining & Marketing, LLC
3144 West Passyunk Avenue
Philadelphia, PA 19145

FACILITY.

Docket No. RCRA-03-2017-0075

Proceeding Under Section
3008(a) and (g) of the
Resource Conservation and
Recovery Act, as amended,
42 U.S.C. § 6928(a) and (g)

FINAL ORDER

Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency, Region III, and Philadelphia Energy Solutions Refining & Marketing, LLC ("Respondent"), have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), and the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

NOW, THEREFORE, PURSUANT TO Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondents pay a civil penalty payment of **ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**, in accordance with the payment provisions set forth in of the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Office of Regional Counsel
Waste and Chemical Branch
Mailcode: 3RC30

DEC 21 2016

Direct dial: (215) 814-2474
Facsimile: (215) 814-2603
Email: thomas.donzetta@epa.gov

Lisa A. Runyon
Assistant General Counsel
Philadelphia Energy Solutions
1735 Market Street
Philadelphia, PA 19103

RE: Philadelphia Energy Solutions, Inc.
CONSENT AGREEMENT AND FINAL ORDER
RCRA-03-2017-0075

Dear Ms. Runyon:

Enclosed is a true and correct copy of the fully executed Consent Agreement and Final Order ("CAFO") entered into between EPA, Region III, and your client, Philadelphia Energy Solutions, Refining & Marketing LLC. The CAFO was filed today with the Regional Hearing Clerk.

Thanks for your assistance in resolving this matter amicably without litigation. If you have any questions, please do not hesitate to call me at (215) 814-2474.

Sincerely,

A handwritten signature in black ink, appearing to read "Donzetta W. Thomas".

Donzetta W. Thomas
Senior Assistant Regional Counsel

Enclosure



Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

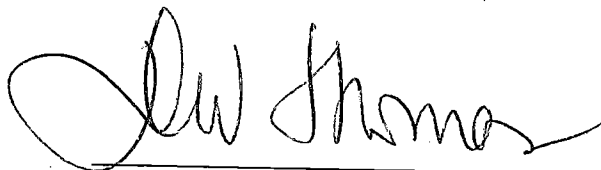
Original and One Copy by Hand-Delivery:

Lydia Guy,
Regional Hearing Clerk

Copy by UPS Overnight Delivery:

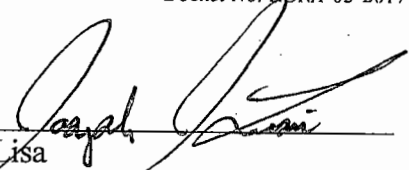
Lisa A. Runyon
Assistant General Counsel
Philadelphia Energy Solutions
1735 Market Street
Philadelphia, PA 19103

12/21/16
Date

A handwritten signature in black ink, appearing to read "Donzetta Thomas", written over a horizontal line.

Donzetta Thomas (3RC50)
Senior Assistant Regional Counsel
U.S. EPA, Region III

Dec. 21, 2016
Date:



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III